

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)

v.)

HAROLD D. SMILEY)

CASE NO. 2:08cr77-MEF

FINAL ORDER OF FORFEITURE

WHEREAS, on July 22, 2008, this Court entered a Preliminary Order of Forfeiture (Doc. #21), forfeiting the following property to the United States:

one HiPoint, Model JCP, .40 caliber pistol, bearing serial number 702873; and,

one Smith and Wesson, .357 Magnum revolver, bearing serial number 3D95282.

WHEREAS, publication of notice is not required pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims as the property is of *de minimus* value and publication will exceed the property's value; and,

WHEREAS, the Court finds that defendant Harold D. Smiley has an interest in the firearms that are subject to forfeiture pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c). The United States has established the requisite nexus between such firearms in the commission of the violation of Title 18, United States Code, Section 922(g)(1).

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The following firearms are hereby forfeited to the United States pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c):

one HiPoint, Model JCP, .40 caliber pistol, bearing serial number 702873; and,

one Smith and Wesson, .357 Magnum revolver, bearing serial number 3D95282.

2. All right, title and interest to the firearms described above is hereby condemned, forfeited and vested in the United States and shall be disposed of according to law;
3. The United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order;
4. The Clerk of the Court shall forward two certified copies of this Order to the United States Attorney's Office; and,
5. The United States of America's Motion for a Final Order of Forfeiture (Doc. # 28) is GRANTED.

SO ORDERED this the 31st day of October, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE